



LAPORTE COUNTY PLAN COMMISSION

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563, & 2221
Fax: (219) 362-5561

ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES

September 24th, 2019

MEMBERS PRESENT:

Anthony Hendricks	Gene Matzat
Rita Beaty Kelly	Earl Cunningham
Harold Parker	Glen Minich
John Carr	Rich Mrozinski

OTHERS PRESENT: Annemarie Polan, Building Commissioner, Doug Biege, Attorney, Ashley Kazmucha, Secretary.

PLEDGE OF ALLEGIANCE

Anthony Hendricks asked for approval of the agenda for the September 24th meeting.

Rich Mrozinski made a motion to approve the agenda as presented.

Rita Beaty Kelly seconded.

All approved. Motion carries 8-0.

Anthony Hendricks asked for approval of the meeting minutes of July 23rd, 2019.

Earl Cunningham made a motion to approve as presented.

Rita Beaty Kelly seconded.

All approved. Motion carries 8-0.

Petitions:

1. Petitioner Sandra Joslyn represented by Gary D. Davis of Davis Disability Group ("Petitioner") respectfully petitions the Plan Commission to vacate the portion of the alleyway behind 103 North Oak Street, 7 West Beech Street, and 9 West Beech Street, Westville, IN., New Durham Twp., zoned R1B. Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Gary Davis stated he is representing the estate of Doris Russell.

Gary Davis stated he is not accustomed to this type of work, but he felt obligated to the family since they have been clients for thirty-seven (37) years. He is asking for a vacation of the alley so a septic system can be placed for the property. It would be in the adjoining field behind the petitioner's property which they also own, but need to run the pipe under the alleyway. There was a buyer, but the current septic system is inadequate; it is too small and too old. There aren't many other options for the house without this addition of the new septic. The house isn't useable or functional without a new septic. There was a buyer that was interested forty-five day ago, but the house should be able to sell fine so long as there is a new septic. The Lutheran Church has representation present whom he spoke to previously; the Lutheran Church would like the area abutting their property to be granted to them in the case of the vacation being approved. Gary Davis expressed that he has no issues with this as he simply needs a small portion to put in a new septic.

Rita Beaty Kelly asked if they were planning on vacating the entire alleyway behind the church.

Attorney Biege stated that would make the most sense.

Gary Davis stated that each person whose property adjoins the alleyway would get the property behind their home.

Attorney Biege stated each lot will receive their half of the alley as the other half would go to the farm field.

Glen Minich questioned if 103 North Oak Street was notified.

Anthony Hendricks stated they are notified. If the alley is vacated will they receive the property since they are notified, but not present. If it is vacated the Russell's would get the North half and Oak Street would get the South half. If nothing is vacated North of 103 Oak Street it will remain public access and they will get use across the whole alley.

Attorney Biege stated they did receive notice.

Earl Cunningham asked if their decision could be contingent on 103 North Oak accepting their half of the alley. If they do not, it will go to the Russell's.

Attorney Biege stated that if they do not want the land, they can refuse it.

Earl Cunningham stated they want to make sure there isn't an easement through there, but people can run a line if they need to for their septic's if they need to.

Attorney Biege stated that there won't be an easement since the vacation will have the properties abutting the adjoining properties.

Earl Cunningham clarified there isn't an easement for any utilities so they can just vacate the alleyway.

Anthony Hendricks stated that easement for utilities cannot be vacated.

Attorney Biege confirmed that all utility easements would remain if applicable.

Rita Beaty Kelly stated 103 North Oak Street will inherit a portion of the alleyway whether they are here or not.

Attorney Biege stated that is correct.

Earl Cunningham stated unless they refuse it.

Harold Parker stated their tax bill will go up and they would eventually notice it.

Glen Minich asked if the home was a parsonage at one point as there is no access to the garage except through the Church parking lot.

Gary Davis stated it was a parsonage.

Remonstrator:

Dan Bloomer stated he represents St. Paul's Lutheran Church.

Dan Bloomer stated the home was a parsonage. The lot isn't very large and a septic system couldn't fit on the property. Their property line does adjoin the Church. Nobody ever uses the alley as the end by Oak Street is piled up with dirt with a large tree in the middle of the alleyway. It would be advantageous if the Russell's could get their septic system and if the Church could get the portion of the alley adjoining their property.

Anthony Hendricks stated the cross-access use across the parking lot would be cleared up with legal in the sale of the home.

Dan Bloomer stated there is no problem with any owner using the parking lot to access the garage.

Rita Beaty Kelly made a motion to vacate the portion of the alleyway behind 103 North Oak Street, 7 West Beech Street, and 9 West Beech Street, Westville, IN., New Durham Twp., zoned R1B.

John Carr seconded.

All approved. Motion carries 8-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked for any new business.

Earl Cunningham stated the Board should congratulate Ashley Kazmucha on an outstanding job on the minutes thus far and today is her birthday.

The Board emits a round of applause.

Annemarie Polan recognized Gene Matzat's retirement.

Anthony Hendricks asked if there is resolution to thank Gene Matzat for all his time and commitment to the Board.

Earl Cunningham stated so resolved.


Anthony Hendricks asked for a motion to adjourn.

Rich Mrozinski said so moved.

Rita Beaty Kelly seconded.

All approved. Motion carries 8-0.

There being no further business before the Plan Commission, meeting adjourned at 6:12 p.m.


Anthony Hendricks, President


Annemarie Polan, Recording Sec.